



Department of Justice

STATEMENT

BY

ACTING ATTORNEY GENERAL RAMSEY CLARK

BEFORE THE

SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES
OF THE
SENATE JUDICIARY COMMITTEE

IN SUPPORT OF S. 916--

"To assist in combatting crime by
Creating the United States Cor-
rections Service, and for other
purposes."

TUESDAY, MARCH 7, 1967

A continuously increasing national crime rate, and a recidivism rate estimated as between 35 and 50 per cent tells us that our system of criminal law is failing--it is time to act. When we know that 3 of 4 persons convicted of felonies were previously convicted of misdemeanors, usually while youths, we know we are failing. When estimates indicate half of those convicted of a felony will, after release, be convicted of a subsequent felony, we know we are failing.

We are taking action to reduce crime on many fronts which hold great promise. The establishment of a unified corrections service, however, is a step which may offer the greatest opportunity for bringing federal criminal laws to maximum effectiveness.

Corrections is a key, a very major part, of our total opportunity to reduce crime. If we cut the rate of recidivism in half, and science tells us we can, a major part of our crime will be eliminated.

Whatever our view of the purposes of the sanctions of criminal law, society must seek two consequences from their exercise:

Protection of the public from further offenses, and

Rehabilitation of the individual and his return to a useful life.

But to separate these two essential aims obscures their oneness. Rehabilitation is protection. The best, the only sure way to protect society from the anti-social convicted of crime, who will be at large again some day, is to rehabilitate him.

Our success will be measured by the effectiveness of our corrections system. The value of the most effective corrections system devisable is measurable not only in billions of dollars, but in lives and human happiness.

One of the laws' primary goals must be the rehabilitation of the offender and his return to useful community life. To accomplish this end, he is placed in the corrections process, which extends from the imposition to the completion of sentence. This process, which includes probation, imprisonment, and parole, is presently divided. Parole and probation supervision are lodged with the courts, prison services are lodged with the executive branch, and research is diffused through both systems.

We believe that this disunity impedes the channeling of resources and efforts in a rational, systematic manner. For example, although probation and parole supervision are two of the key steps in avoiding a return to a criminal activity, the depth and quality of supervision may depend on the caseloads and presentence reporting duties of the approximately 550 probation officers in the 93 judicial districts. This diversity of supervision may affect the planning of an offender's treatment program, since the program must take into account the amount of support which the probation officer can provide a parolee in the community.

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If this division of responsibility and authority were eliminated and the corrections process worked toward the rehabilitation goal as a single, unified mechanism, it would be greatly strengthened. Directed by one authority, an offender's rehabilitation program would correlate the efforts of the institutional personnel who evaluate his needs and devise and execute his treatment plan, and the community personnel who supervise his release on parole.

The division of the correctional function between the courts and the prison system is at perhaps the most critical point in the correctional process, distinguishing prison operations from community operations. This at a point when, as we can see from our past experience, the great need in corrections is the strong shift toward community operations. For here is the opportunity to rehabilitate.

The value and potential of community based operations is shown by a recent experimental treatment program conducted by the California Youth Authority and discussed in the National Crime Commission Report. Juvenile court commitments, excluding those for whom institutional care was deemed requisite, were divided between community and regular institutional programs. Youths assigned to the community treatment project were supervised by officers having a caseload of 10 to 12 and employing treatment methods designed to meet each youth offender's individual needs. After 5 years, the community treatment project reports that only 28 per cent of its group have had their paroles revoked, as compared with 52 per cent of those who were institutionalized. Community supervision employing a variety of individually tailored treatment alternatives could similarly benefit Federal offenders, both youths and adults. This type of treatment program would be feasible under the proposed corrections system.

To date, there has been no major national investment in corrections research. However, since the goals of parole and probation and their supervision techniques are so closely analagous, a division of research could be created within the service to conduct study on subjects of benefit to the entire system. There would be no gaps, no duplication of effort. Most important, results could then be implemented on a uniform basis, throughout the corrections system.

In answer to the need for strengthening the corrections process, the 89th Congress enacted legislation providing three innovative techniques to be used in achieving prisoner rehabilitation. This important legislation authorizes the Attorney General to place prisoners in residential community treatment centers, to permit them to take emergency or rehabilitative leave, and to permit them to work or participate in community training programs. As a result, new techniques involving prerelease and work release programs and halfway houses are being perfected to return useful, rehabilitated individuals to their communities.

Under the work program alone, almost 3 per cent of our prison population are being released for employment in the community. If these new

techniques are to achieve their maximum rehabilitation potential, adequate supervision is an essential adjunct. To this end, we have appointed a force of work release coordinators in the newly established Division of Community Services. These new techniques may soon apply to probationers and parolees. Efficiency and reason would require that a single authority be used to provide coordinated assistance and supervision for them. Such supervision would extend from the court granting probation or the institution in which sentence is served, to the residential institution center from which the offender is eased back into community life.

That the respective corrections agencies have accomplished as much as they have under the present system is a tribute to their efforts and cooperation. But to be fully effective, the corrections system should have a single administrative framework within which the flexible sentencing and treatment alternatives presently available can operate and in which time and money can be budgeted on a coordinated basis. Such a framework would permit a better balanced range of services, since coordinated planning will assure that funds and personnel are allocated in relation to need. Moreover, it would free parole officers to devote more time to the preparation of presentence reports.

The establishment of a unified corrections system within the Department of Justice is predicated on its responsibilities in the field of law enforcement, particularly those of containing and reducing the incidence of criminal activity.

A unified corrections system will afford an opportunity to greatly reduce crime while enabling us to return many persons who would otherwise continue criminal activity to their communities to lead productive lives. It is essential to the public safety. It is essential to our humanitarian purposes.